

BRIG RANGER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS,
TRANSMITTING A COPY OF THE CONCLUSIONS OF FACT AND
LAW IN THE FRENCH SPOILIATION CASES RELATING TO THE
BRIG RANGER AGAINST THE UNITED STATES.

JANUARY 22, 1902.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., January 21, 1902.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel, brig *Ranger*, John Flagg, master.

Respectfully,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885 (23 Stat. L., 283). Vessel, brig *Ranger*, John Flagg, master.]

No. of case.

Claimant.

2828. Charles E. Batchelder, administrator, estate of Thomas Sheafe, *v.* The United States.

Charles E. Batchelder, administrator, estate of William Sheafe, *v.* The United States.

CONCLUSIONS OF FACT.

These cases were tried before the Court of Claims on the 14th day of May, 1901. The claimant was represented by J. M. Wilson, William T. S. Curtis, and Theodore J. Pickett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, Charles W. Russell, esq., with whom was Assistant Attorney-General Louis A. Pradt.

The court, upon the evidence and after hearing the arguments and considering same with the briefs of counsel on each side, determine the facts to be as follows:

I. The brig *Ranger*, John Flagg, master, sailed on a commercial voyage from Portsmouth, N. H., on or about the 31st day of March, 1800, bound for the island of Tobago. While peacefully pursuing said voyage she was seized on the high seas on the 13th day of May, 1800, by the French privateer *L'Amable Jeanette* and carried into port Liberty, and the master and crew imprisoned. Subsequently said vessel and cargo were condemned on the 24th day of May, 1800, by the French prize court sitting at Basseterre, Guadeloupe, whereby both vessel and cargo became a total loss to the owners thereof.

BRIG RANGER.

The grounds of condemnation as set forth in the decree were informality in the rôle d'équipage, want of charter party and bill of lading, and want of signature to the invoice.

II. The *Ranger* was a duly registered vessel of the United States of 136 $\frac{39}{100}$ tons burden; was built in Newbury, Mass., in the year 1797, and was owned solely by Thomas Sheafe and William Sheafe, citizens of the United States and residents of Portsmouth, N. H.

III. The ownership and value of the cargo alleged to have been on board the *Ranger* at the time of capture is not established by competent and sufficient evidence.

IV. The loss by reason of the seizure of the *Ranger* was as follows:

Value of the vessel	\$5, 480
Freight earned	2, 280
Total	7, 760

V. The claimant has produced letters of administration upon the estates for which he appears, and has otherwise proved to the satisfaction of the court that the persons for whose estates he appears are the same persons who suffered loss through the seizure and condemnation of the *Ranger*, as set forth in the preceding findings.

VI. Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d day of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimant in his representative capacity is the owner of said claims which have never been assigned.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimant is entitled to the following sums from the United States:

Charles E. Batchelder, administrator of Thomas Sheafe, deceased, three thousand eight hundred and eighty dollars	\$3, 880
Charles E. Batchelder, administrator of William Sheafe, deceased, three thousand eight hundred and eighty dollars	3, 880
Total amount recoverable, seven thousand seven hundred and sixty dollars	7, 760

BY THE COURT.

Filed January 6, 1902.

A true copy.

Test this 21st day January, A. D. 1902.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.